



CITY OF MERCED

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

Minutes

City Council/Public Finance and Economic Development Authority/Parking Authority

Tuesday, January 19, 2016

7:00 PM

A. STUDY SESSION ROLL CALL

Council Member Murphy arrived shortly after roll call at 5:47 PM.

Present: 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

Absent: 0

B. STUDY SESSION

Mayor THURSTON called the Study Session to order at 5:45 PM.

B.1. Study Session - Youth Council Workplan

Youth Council Members in attendance were Robert CERVANTES, Alexander SALAS, Linda MOUA, Guadalupe ALEMAN, and Kayden LOR.

Youth Council Members gave a report on the Undivided Youth Festival they are planning.

Council voiced their support for the idea and offered assistance as needed.

Youth Council Member Linda MOUA spoke about the current effort to recruit members for the vacant seats on the Youth Council.

The Study Session adjourned at 6:00 PM.

C. CLOSED SESSION ROLL CALL

Present: 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

Absent: 0

D. CLOSED SESSION

Council adjourned into Closed Session at 6:01 PM.

- D.1.** **SUBJECT:** CONFERENCE WITH LEGAL COUNSEL - Significant
Exposure to Litigation: (1) Case; Authority: Government Code Section
54956.9(d)(2)

Council adjourned from Closed Session at 6:41 PM.

E. CALL TO ORDER

Mayor THURSTON called the Regular Meeting to order at 7:00 PM.

- E.1. Invocation - Pastor Al Schaap, Gateway Church

The Invocation was delivered by Pastor Al Schapp of Gateway Community Church.

- E.2. Pledge of Allegiance to the Flag

F. ROLL CALL

Present: 7 - Mayor Stanley P. Thurston, Mayor Pro Tempore Joshua Pedrozo, Council Member Michael Belluomini, Council Member Kevin Blake, Council Member Tony Dossetti, Council Member Noah Lor, and Council Member Mike Murphy

Absent: 0

F.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority, and Public Financing and Economic Development Authority. City Council Members receive a monthly stipend of \$20.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$50.00 each month as a part of the adopted budget and Resolution 1975-37. The members of the Parking Authority, and Public Financing and Economic Development Authority receive no compensation.

G. REPORT OUT OF CLOSED SESSION

There was no report.

H. CEREMONIAL MATTERS

- H.1.** **SUBJECT:** Proclamation - Human Trafficking Awareness Month

REPORT IN BRIEF

Received by Frances Lara and Rosa Rangel, Valley Crisis Center

Council Member BELLUOMINI read a proclamation for Human Trafficking Awareness Month.

I. WRITTEN PETITIONS AND COMMUNICATIONS

City Manager Bramble announced that a request had come from the Sheriff's Department to close a section of road greater than 400 feet for the funeral of former Councilmember Bill BLAKE. He stated per government code 54954.2(b)(2) that a subsequent need item can be added to the agenda with a majority vote of the Council.

A motion was made by Mayor Thurston, seconded by Mayor Pro Tempore Pedrozo, to add item K.11 to the agenda. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

J. ORAL COMMUNICATIONS

DJ RASTA, Merced - requested the lights a McNamara park be fixed and a cover for the gazebo be installed.

Annette RESENDEZ, Merced - spoke about a new park for the youth.

Marilyn MOCHEL, Merced - spoke on the Youth Council.

K. CONSENT CALENDAR

Agenda items K.10 Second Reading - Ordinance Relating to Medical Marijuana and Cultivation of Medical Marijuana, and K.11 Street Closure Request by the Merced Sheriff's Department were pulled from the Consent Calendar for separate consideration.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

K.1. SUBJECT: City Council/Public Financing and Economic

Development/Parking Authority Meeting Minutes of September 8, 2015
and September 21, 2015

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic

Development/Parking Authority - Adopt a motion approving the meeting minutes of September 8, 2015 and September 21, 2015.

This Consent Item was approved.

K.2.

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

K.3.

SUBJECT: Resolution Supporting the Extension of the Altamont
Commuter Express from Stockton to Merced

REPORT IN BRIEF

Consider adopting a Resolution expressing the City Council's support of the Altamont Commuter Express (ACE) and the potential of extending the rail lines to the City of Merced by the year 2022.

RECOMMENDATION

City Council - Adopt Resolution **2016-05**, a Resolution of the City Council of the City of Merced, California, supporting the extension of the Altamont Commuter Express to Merced.

This Consent Item was approved.

K.4.

SUBJECT: Interim City Attorney Billing Amendment

REPORT IN BRIEF

During the City's contract with Best, Best & Krieger to provide interim

City Attorney services from August 2014 to February 2015 one of the billings was missed, thus requiring the city to provide a final payment to the firm for work completed at the end of the contract.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing the final payment to Best, Best, & Krieger in the amount of \$13,653.20 for services provided in February 2015; and,

B. Authorizing supplemental budget appropriations from the General Fund in the amount of \$9,147.20, from the Water Fund in the amount of \$2,253.00, and from the Sewer Fund in the amount of \$2,253.00; and,

C. Authorizing the Finance Officer to make the necessary budget adjustments.

This Consent Item was approved.

K.5.

SUBJECT: Proposed Agreements with Habitat for Humanity to Administer Housing's Homeowner Rehabilitation Program Using Community Development Block Grant and HOME Investment Partnership Funds

REPORT IN BRIEF

Consider approving two proposed agreements with Habitat for Humanity (Habitat) totaling \$400,000 from Community Development Block Grant and the HOME Investment Partnership Program funds modifying the City's Homeowner Occupied Rehabilitation Program.

RECOMMENDATION

City Council - Adopt a Motion:

A. Approving an agreement with Habitat for Humanity for the Homeowner Occupied Rehabilitation program in the amount of \$250,000 as identified in the 2014 Department of Housing and Urban Development (HUD) Annual Plan with Community Development Block Grant (CDBG) funds from the 2015/16 Fiscal Year (accounts 018-1301-552-17.00);

B. Approving an agreement with Habitat for Humanity for the Homeowner Occupied Rehabilitation program in the amount of \$150,000 as identified in the 2014 Department of Housing and Urban Development (HUD) Annual Plan with HOME Investment Partnership

Program (HOME) funds from the 2015/16 Fiscal Year (accounts 033-1349-552-17.00); and,

C. Authorizing the City Manager to execute, and if necessary, make minor modifications to, the agreement described above as attached to this report and all associated documents.

This Consent Item was approved.

K.6.

SUBJECT: Consider a Supplemental Appropriation of Funds to the Housing Division Fund 070

REPORT IN BRIEF

Consider a supplemental appropriation from the unappropriated General Fund balance in an amount not to exceed \$92,860 for Housing Administrative Activities.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing a supplemental appropriation from the unappropriated General Fund balance in an amount not to exceed \$92,860 and transfer to Fund 070 Housing Administration Fund; and,

B. Authorizing the City Manager and City Finance Officer to make budget adjustments as necessary.

This Consent Item was approved.

K.7.

SUBJECT: Professional Services Agreements for Architectural and Environmental Services for the Police Headquarters Site #2 Project 116040

REPORT IN BRIEF

Transfers a total of \$60,000 in funds and approves two separate Professional Services Agreements for investigation into the Merced Sun Star Facility as the future Police Headquarters location.

RECOMMENDATION

City Council - Adopt a motion:

A. Transferring \$30,000 from Fund 047 Facilities-Police (City) and \$30,000 from Fund 057 Facilities-Police (Developer) and appropriating the same to Project 116040 Police Headquarters #2; and,

B. Approving Professional Services Agreement with WMB Architects, Inc., in the amount of \$51,960 for architectural/engineering services for the Police Headquarters Site #2; and,

C. Approving Professional Services Agreement with Krazan & Associates, Inc., in the amount of \$26,025 for environmental services for the Police Headquarters Site #2; and,

D. Authorizing the City Manager to execute the necessary documents.

This Consent Item was approved.

K.8.

SUBJECT: First Amendment to Professional Services Agreement and First Amendment to Reimbursement Agreement for Preparation of an Environmental Impact Report for the Merced Gateway Center

REPORT IN BRIEF

The City Council will consider approving a First Amendment to Professional Services Agreement with FCS International, Inc., and a First Amendment to Reimbursement Agreement with Gateway Park Development Partners, LLC, for the preparation of an Environmental Impact Report for the Merced Gateways commercial project at the northeast and northwest corners of Campus Parkway and Coffee Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving the First Amendment to Agreement for Professional Services with FCS International, Inc., to prepare an Environmental Impact Report for the Merced Gateway Center in the amount of \$165,000; and,

B. Approving the First Amendment to Reimbursement Agreement with Gateway Park Development Partners, LLC, regarding the Environmental Impact Report in the amount of \$181,500 (\$165,000 for the consultants and \$16,500 for City staff management of the contract); and,

C. Approving the additional appropriation of funds to Account 017-0804-512-17-00-Professional Services in the additional amount of \$39,500 for payment to FCS International, Inc., for planning services; and,

D. Approving an increase in revenue in the amount of \$39,500 to Account 017-0804-360-01-02-Other Revenue Developers and \$3,950 to Account 017-0804-331-03-25-Environmental Impact Filing EIR for staff administration of the environmental process (approval is contingent upon execution of the agreements).

This Consent Item was approved.

K.9.

SUBJECT: Authorized Signatures

REPORT IN BRIEF

Consider granting new City Manager signing authority on bank accounts and Local Agency Investment Fund.

RECOMMENDATION

**City Council/Public Financing and Economic Development
Authority/Parking Authority - Adopt a motion:**

A. Adopting **Resolution 2016-01**, a Resolution of the City Council of the City of Merced, California, authorizing signature of City checks; and,

B. Adopting **Resolution 2016-02**, a Resolution of the City Council of the City of Merced, California, authorizing investment of City of Merced monies in Local Agency Investment Fund; and,

C. Adopting **Resolution PFA 2016-01**, a Resolution of the City of Merced Public Financing and Economic Development Authority authorizing signature of Authority checks; and,

D. Adopting **Resolution PFA 2016-02**, a Resolution of the City of Merced Public Financing and Economic Development Authority authorizing investment of City of Merced monies in Local Agency Investment Fund; and,

E. Adopting **Resolution PA 2016-01**, a Resolution of the Parking Authority of the City of Merced, California, authorizing signature of Parking Authority checks; and,

F. Adopting **Resolution PA 2016-02**, a Resolution of the Parking Authority of the City of Merced, California authorizing investment of City of Merced monies in Local Agency Investment Fund

This Consent Item was approved.

K.11. Street Closure Request by Merced Sheriff's Department

K.11 was pulled by Council Member BLAKE so that he could recuse himself.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Dossetti, that this item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

Abstain: 1 - Council Member Blake

K.10. **SUBJECT: Second Reading - Ordinance Relating to Medical Marijuana and Cultivation of Medical Marijuana**

REPORT IN BRIEF

Second reading of previously introduced Ordinance.

RECOMMENDATION

City Council - Adopt **Ordinance 2454**, an Ordinance of the City Council of the City of Merced, California, adding chapter 20.84, "Medical Marijuana and Cultivation" to the Merced Municipal Code prohibiting all commercial medical marijuana uses in the City and prohibiting cultivation for medical use by a qualified patient or primary caregiver.

This item was pulled by members of the audience who wished to speak on it.

Michelle SOUSA, Merced - spoke on her son's need for medicinal marijuana due to his sickness.

Christopher GONZALES, Merced - spoke about the Central California Ag Science Research Coalition

Dr. Lakisha JENKINS, Merced - spoke on the deadline imposed by Assembly Bill 21.

A motion was made by Mayor Thurston, seconded by Council Member Belluomini, that this agenda item be adopted. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

L. REPORTS

L.1. **SUBJECT: Authorization to Issue Refunding Bonds for the Community Facilities District No. 2003-1 (Bellevue Ranch East) of the City of Merced.**

REPORT IN BRIEF

Consider Refunding Bonds for Bellevue Ranch East.

RECOMMENDATION

City Council - Acting as the Legislative Body of Community Facilities District No. 2003-1 (Bellevue Ranch East) of the City of Merced, adopt a motion:

A. Adopting **Resolution 2016-03**, a Resolution of the City Council of the City of Merced, California, acting as the legislative body of Community Facilities District No. 2003-1 (Bellevue Ranch East) of the City of Merced authorizing the issuance of Community Facilities District No. 2003-1 (Bellevue Ranch East) of the City of Merced, 2016 Special Tax Refunding Bonds in the aggregate principal amount not to exceed \$10,000,000, authorizing the sale of such bonds upon certain terms and conditions, approving an Official Statement, approving the execution and delivery of a Fiscal Agent Agreement, approving an Escrow Agreement, approving a Bond Purchase Agreement and a Continuing Disclosure Agreement and authorizing the execution of necessary documents and certificates and related actions; and,

B. Authorizing the City Manager or City Attorney or Finance Officer to execute necessary documents, certificates and related actions; and,

C. Authorizing the Finance Officer to make necessary budget adjustments.

Finance Director Brad GRANT gave a brief presentation as to why it was a good time to refinance the bonds and discussed the savings.

Council Member BELLUOMINI questioned who would realize the savings.

Director GRANT stated that individual homeowners would see the bulk of

the savings.

A motion was made by Council Member Murphy, seconded by Council Member Blake, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

L.2.

SUBJECT: Authorization to Issue Refunding Bonds for Community Facilities District No. 2005-1 (Bellevue Ranch West) of the City of Merced (Improvement Area No. 1)

REPORT IN BRIEF

Consider Refunding Bonds for Bellevue Ranch West

RECOMMENDATION

City Council - acting as the Legislative Body of Community Facilities District No. 2005-1 (Bellevue Ranch West) of the City of Merced, adopt a motion:

A. Adopting **Resolution 2016-04**, a Resolution of the City Council of the City of Merced, California, acting as the legislative body of Community Facilities District No. 2005-1 (Bellevue Ranch West) of the City of Merced authorizing the Issuance of Community Facilities District No. 2005-1 (Bellevue Ranch West) of the City of Merced, 2016 Special Tax Refunding Bonds (Improvement Area No. 1) in the aggregate principal amount not to exceed \$6,750,000, authorizing the sale of such bonds upon certain terms and conditions, approving an Official Statement, approving the execution and delivery of a Fiscal Agent Agreement, an Escrow Agreement, approving a Bond Purchase Agreement and a Continuing Disclosure Agreement, and authorizing the execution of necessary documents and certificates and related actions; and,

B. Authorizing the City Manager or City Attorney or Finance Officer to execute necessary documents, certificates and related actions; and,

C. Authorizing the Finance Officer to make necessary budget adjustments.

Council Member MURPHY recused himself from the vote due to his home's proximity to Bellevue Ranch West.

A motion was made by Council Member Lor, seconded by Council Member

Blake, that this agenda item be approved. The motion carried by the following vote:

Aye: 6 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, and Council Member Lor

No: 0

Absent: 0

Abstain: 1 - Council Member Murphy

L.3.

SUBJECT: Preliminary Discussion for the Preparation of a False Alarm Ordinance

REPORT IN BRIEF

This Administrative Report provides the information and data requested by the City Council for the preparation of a False Alarm Ordinance.

RECOMMENDATION

Provide direction to staff on a variety of issues relating to a False Alarm Ordinance.

Chief Deputy City Attorney Kelly FINCHER gave a slide presentation giving a timeline of the False Alarm Ordinance and gave a road map of the discussion for the item.

Marvin DILLSAVER, Dispatch Supervisor gave a data-driven presentation that showed the number of false alarm calls for the last five years, including major offenders and most common reasons for false alarms.

Attorney FINCHER discussed the different costs for implementing the program in-house versus hiring an outside consultant. She suggested a possible separate fee schedule for the school system. She gave a brief overview of a pilot program developed by staff. She stated staff would report back after six months on how the program was working.

Steve KEIFER, Security Alarm Coalition - spoke about different cities he has worked with to improve calls for service in regards to false alarms. He explained different ordinances, permits and fees.

Council discussed permits, a different fee schedule for schools, and options regarding running the program in-house or hiring a third party vendor.

Council Member BELLUOMINI questioned first-year costs and future year costs.

Attorney FINCHER stated that first-year costs were expected to be higher than subsequent years but that staff could only estimate costs at this time.

Mayor THURSTON was concerned about making sure that all alarm owners had permits.

Mr. KEIFER stated that most reputable alarm companies made sure their customers complied with all ordinances and required permits.

Council Member DOSSETTI voiced his support for an ordinance.

Council Member MURPHY voiced his support and questioned the function of the permit.

Attorney FINCHER stated that the permit could be a revenue stream or just have all contact and monitoring company information.

Rick McMILLION, Merced - spoke about call lists for businesses before police are dispatched.

Juan MENDOZA, Merced City School District - spoke about the efforts being made to reduce the number of false alarms from schools.

John CURRY, Superintendent at Weaver School District - spoke on the efforts being made to reduce false alarms at the schools. He spoke in favor of an ordinance and a permit.

There was a consensus among Council to set up a pilot program for nine months with a free permit, have a single fee system similar to the City of Atwater with one free false alarm after taking a webinar or class.

Victor CALDERON, Merced - suggested requiring the training in advance of false alarms.

A motion was made by Council Member Belluomini, seconded by Mayor Pro Tempore Pedrozo, to direct staff to draft an ordinance based on Council consensus of the items discussed. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

M. BUSINESS

M.1. SUBJECT: Town Hall Meetings

REPORT IN BRIEF

Set date, times and locations for three Town Hall Meetings in North, Central and South Merced prior to budget discussion for Fiscal Year 2016/2017.

RECOMMENDATION

City Council - Adopt a motion approving setting the dates, times and locations of the Town Hall Meetings for the City Council and authorizing the City Manager to execute the necessary documents.

Mike CONWAY, Assistant to the City Manager - gave an overview of the Town Hall meeting history and offered dates and locations for the upcoming year.

Council Member MURPHY suggested a downtown location for the third Town Hall meeting.

Council discussed different locations in the downtown area and available dates for the meetings.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Mayor Thurston to hold the Town Hall meetings on February 18 at Tenaya Middle School, February 25 at Rivera Middle School and March 3 at the Multicultural Arts Center, East Campus, or Hoover Middle School . The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

M.2. SUBJECT: Bicycle Advisory Commission Appointment

REPORT IN BRIEF

Consider accepting nominations and appointing one individual to the Bicycle Advisory Commission.

RECOMMENDATION

City Council - Adopt a motion accepting a nomination and appointing one applicant to serve on the Bicycle Advisory Commission with a term expiration date of July 1, 2019.

A motion was made by Council Member Murphy, seconded by Council Member Lor, that Katherine Oestman be appointed to the Bicycle Advisory Commission. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

M.3.

SUBJECT: Discussion on City Manager Evaluation Form

REPORT IN BRIEF

This item is in response to Council Member Belluomini's request to discuss changes to the City Manager Evaluation form.

Council Member BELLUOMINI requested a review of the City Manager Evaluation Form. He stated that certain items seemed redundant and was concerned Council did not have enough information to properly evaluate some of the categories.

Council discussed the need to update the form and it was suggested that forms from other cities could be used as reference. It was decided that Council take time to review the form and bring the item back to a future meeting.

A motion was made by Council Member Belluomini, seconded by Mayor Thurston, that this agenda item be brought back to the second meeting in February. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0

M.4. Request to Add Item to Future Agenda

There were none.

M.5. City Council Comments

Mayor Pro Tempore thanked retiring City Manager BRAMBLE.

Council Member BELLUOMINI reported that he attended the Martin Luther King, Jr. March and that it was a great success.

M.6. City Council Seating Arrangement

Council drew numbers for a new seating arrangement.

N. ADJOURNMENT

Clerk's Note: The meeting adjourned at 10:10 PM.

A motion was made by Mayor Pro Tempore Pedrozo, seconded by Council Member Belluomini, that the meeting be adjourned in memory of former Council Member Bill Blake. The motion carried by the following vote:

Aye: 7 - Mayor Thurston, Mayor Pro Tempore Pedrozo, Council Member Belluomini, Council Member Blake, Council Member Dossetti, Council Member Lor, and Council Member Murphy

No: 0

Absent: 0